

REMARKS

This Amendment & Response is intended to respond to the Final Office Action dated November 29, 2007. In that Office Action, claims 1-7 and 9-11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over USPN 4,816,497 to Lutz, et al., (hereinafter, "Lutz"), claims 27-28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Lutz in view of Cramer, et al., in the article "Photopolymerization of Thiol-ene Polymers without Photoinitiators" (hereinafter, "Cramer"), claims 20-21, 25 and 26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Liew, et al., in the article "Fabrication of SiCN MEMS by Photopolymerization of Pre-Ceramic Polymer" (hereinafter, "Liew") in view of Lutz. . Further, claims 20-21, 25 and 26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Liew and in further view of Cramer. In addition, the Examiner considered the Declaration of Christopher N. Bowman under 37 C.F.R. § 1.131 to be unpersuasive of reduction to practice before the Liew article.

In this Amendment & Response, no claims have been amended; no new claims have been added; and claims 1-7, and 9-11 have been canceled. Therefore, claims 20-21, 25-28 remain present for examination.

Examiner's Findings Re Declaration of Christopher N. Bowman

The Examiner considered the Declaration of Christopher N. Bowman under 37 C.F.R. § 1.131 to be unpersuasive of reduction to practice before the Liew article, stating that the Declaration provided no evidence supporting the claim limitation of pyrolyzing the article to obtain a ceramic.

Applicant herein submits that the evidence is provided in the laboratory notebooks which discuss the use of the monomer Ceraset. Ceraset is a ceramic precursor that is designed specifically to be pyrolyzed into a ceramic. Further support for this can be found on the manufacturer's website (http://www.kioncorp.com/productlist/polyureasilazane_20.html), the

pertinent part of which is provided as an attachment to this Response for convenience). Specifically, the website states, "KION CERASET Polysilazane 20 is specifically designed for use in Ceramic Matrix Composites via Polymer Infiltration Pyrolysis routes (PIP), and other high performance ceramic applications where very high ceramic yield and processibility issues are important."

Therefore, Applicant submits that the Declaration and supporting evidence do provide sufficient evidence for the step of pyrolyzing the article.

Claim Rejections under 35 USC 103(a) of Claims 20-21 and 25-28

The Examiner rejected claims 20-21 and 25-28 as being unpatentable over Liew in view of Cramer.

Applicant herein states that Cramer was published in the *Macromolecules* 2002, 35, pages 5361-5365 on May 31, 2002. Even though it has already been provided in an Information Disclosure Statement, for convenience a second copy of the published reference is provided as an attachment to this Response. As already submitted, the Declaration under 1.131 by Dr. Bowman, one of the co-inventors of the application, that the invention as claimed was conceived and reduced to practice prior to the publication date of the Liew reference, which is January 1, 2002. Furthermore, it should be noted that Dr. Bowman is a co-author of the Cramer reference and Dr. Cramer is a co-inventor of this Application. Therefore, the Cramer reference is not prior art to the present application.

Therefore, Applicant respectfully requests that the Examiner find independent Claim 20 as amended and its dependent claims 21, and 25-28 in a condition of allowance.

Conclusion

In light of the above amendments and remarks, Applicant respectfully submits that all remaining pending claims are in condition for allowance, and such action is respectfully requested. If the Examiner believes that it would be helpful to discuss any of the amendments or

Serial No. 10/523,659

Response to OA Dated November 29, 2007

remarks presented herein, the Examiner is invited to contact the undersigned at the telephone number provided.

It is not believed that any additional fees are due in connection with this response. However, any necessary fees may be charged to Deposit Account No. 13-2725.

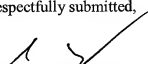
Dated: _____

1/29/08

23552

PATENT TRADEMARK OFFICE

Respectfully submitted,



George C. Lewis, Reg. No. 53,214
Merchant & Gould P.C.
PO Box 2903
Minneapolis, MN 55402-0903
303.357.1638